

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION, *et al.*,

Defendants.

Case No. 6:09-cv-367-LED

**JURY TRIAL DEMANDED**

**STIPULATION FOR DISMISSAL**

The Plaintiff, EMG Technology, LLC, and Barnes & Noble, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims between them in this action WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys fees.

DATED: October 22, 2010

Respectfully Submitted,

By: /s/ Neil J. McNabney

By: /s/ Charles Ainsworth

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**ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 22nd day of October, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth  
CHARLES AINSWORTH